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Communiqué

JAMES BAY SETTLEMENT ACT PROCLAIMED, FAULKNER ANNOUNCES

OTTAWA (October 31, 1977) --- Indian and Northern Affairs Minister J. Hugh Faulkner today made the following announcement:

The Federal Government proclaimed today Bill C-9, which brings into force the James Bay and Northern Quebec Agreement. It has been agreed with the Quebec Government that Bill 32, the corresponding Provincial Act, will also be proclaimed today.

The Proclamation of both Bills fulfills an obligation which both governments assumed when they signed the James Bay and Northern Quebec Agreement on November 11, 1975, to bring the Agreement into force within two years. The Agreement, which comes into effect only upon proclamation, recognizes specific rights and benefits for the Cree and Inuit people of the James Bay and Northern Quebec Territory. It will enable them to participate as decision-makers of their future, and provides them with the basic resources to meet their needs and preserve their traditional cultures. As the first comprehensive claim settlement in Canada, it reflects a genuine attempt by all the parties to reach an agreement which accommodates special needs and fulfills particular obligations.

With any agreement involving many parties there are, of course, numerous concerns that must be taken into account. This Agreement is no different. In particular, I refer to the problems that have arisen in connection with the selection of lands by the Inuit, as well as their concerns relative to the Quebec Charter of the French Language (Bill 101). Over the last 18 months Quebec and the Inuit had reached agreement on most of the lands to be selected, but some problems remained. I am pleased to note that as a result of a joint meeting on October 25 between the Province and the Inuit, all differences have been resolved relating to lands which surround the Inuit communities, known as Category I lands. As well, I am informed that a second meeting on October 28 resolved virtually all outstanding differences with regard to the selection of Inuit hunting, fishing and trapping lands, known as Category II lands. In effect, only one Category II selection remains to be resolved and the Province is to respond to a proposal by the Inuit in the next few days. I certainly wish to acknowledge the tremendous effort made by both parties during the last week, and particularly wish to commend them for the compromises which were made. Land selection for the Crees was completed prior to the signing of the Agreement.

In the view of the Federal Government, there is no conflict between Bill 101 and the James Bay and Northern Quebec Agreement. In the event that such a conflict were found to exist, however, I am satisfied that the Inuit would be protected by section 7 of the Quebec legislation enacting the

James Bay Agreement -- Bill 32. That clause states that the Agreement takes precedence over any other provincial law applicable to the Territory. The same inconsistency provision exists in the Federal legislation.

The Inuit are concerned about the effect of Bill 101 on the education of non-resident Inuit moving into the Territory, mainly from the Northwest Territories and Labrador. This is a problem which of course has arisen subsequent to the signing of the Agreement and the concerns of the Inuit appear to be reasonable. I understand that in the course of a meeting October 21 between the Premier of Quebec and the Inuit, the Quebec Government indicated that while it wanted to reflect further on the possibility of amending Section 88 of Bill 101, it is not their intention to treat Inuit children within the Territory differently.

The way is now open for all parties to devote their energies to the successful implementation of the Agreement; I have assured the Crees and Inuit of the Federal Government's support in this regard.

Attachments - Statistical Fact Sheet
- Implementation Responsibilities
- Major Elements of the James Bay Agreement

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	<u>Cree</u>	<u>Inuit</u>
• Approximate population:	6,500	4,200
• Approximate size of "the Territory"	379,400 sq. mi.	
• Number of Communities:	8	14

- Date of Signing of the Agreement in Principle: November 14, 1974, Montreal
- Date of signing of the James Bay Agreement: November 11, 1975, Quebec City
- Signatories: Grand Council of the Crees (of Québec)

Northern Quebec Inuit Association

Government of Canada

Government of Quebec

Hydro-Electric Commission of Quebec

James Bay Energy Corporation

James Bay Development Corporation

- Provincial legislation to implement the Agreement (Bill No. 32, "An Act Approving the Agreement Concerning James Bay and Northern Quebec") - adopted June 30, 1976.
- Federal legislation to implement the Agreement (Bill C-9, the "James Bay and Northern Quebec Native Claims Settlement Act") - adopted by the House of Commons May 4, 1977 and by the Senate July 6, 1977. Received Royal assent on July 14, 1977.

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- Federal funding to Crees and Inuit to support research and court costs: \$981,000 by the end of 1973

	<u>Cree</u>	<u>Inuit</u>
• Federal funding to support subsequent negotiations with Quebec by native groups 1974-1977:	\$3,220,701 in loans - \$550,000 in loans to the Naskapi of Schefferville	\$1,676,000 in loans 80,000 in contributions

	<u>Cree</u>	<u>Inuit</u>
● Community ratification vote (carried out separately for Crees and Inuit; all community members over 18 eligible: affirmative vote by a simple majority of those voting required):	December 15-18, 1975 *24% voting 99.8% in favour	February-March, 1976 **66.5% voting 95.8% in favour

* The Crees had been extensively consulted on a weekly basis during the course of the negotiations, and many saw no need to ratify what they had already agreed to

** In the communities of Povungnituk, Sugluk and Ivujivik, 15% of those eligible voted.

-
- Monetary compensation: - \$225 million to be paid to Crees and Inuit
 - first \$75 million direct cash compensation to be paid over 10-year period from March 31, 1976 - January 1, 1985.

Canada to pay \$32,750,000 (43.667%) and Quebec \$42,250,000 (56.333%).

First payment made March 31, 1975 (Canada = \$8,733,400; Quebec = \$11,266,600).

Second payment made January 1, 1977 (Canada = \$6,986,720; Quebec = \$9,013,280).

Third payment to be made January 1, 1978 (Canada = \$6,113,380; Quebec = \$7,886,620).
 - second \$75 million to be paid by Quebec over 20-year period in form of royalties from hydro-electric projects in the Territory
 - third \$75 million to be paid by Quebec over five-year period in form of debentures in lieu of royalties from future resource development in the Territory

IMPLEMENTATION RESPONSIBILITIES

Federal	Provincial	Native
Maintenance of list of registered Cree Indians	Maintenance of list of eligible beneficiaries	
Representation on boards of directors of native corporations administering cash compensation	Representation on boards of directors of native corporations administering cash compensation	Administration of cash compensation
Provision of usual programs and funds for native people	Provision of usual programs and funds for native people	
Participation in joint studies and committees	Participation in joint studies and committees	Participation in joint studies and committees
Jurisdiction over Category Ia lands and powers of Cree Band Councils	Jurisdiction over Cree Category Ib lands, Inuit Category I lands and all Category II and III lands	Increased participation in all aspects of administration in the Territory
Provision of basic community services	Provision of basic community services	Administration of affairs of native communities through greater powers than provided under Indian Act
Continuation of existing responsibilities for environmental protection and hunting, fishing and trapping	Continuation of existing responsibilities for environmental protection and hunting, fishing and trapping	Participation in administration of environmental and hunting, fishing and trapping matters
Approval of and financial contribution to school boards' budgets Provision of special native education services as requested	Jurisdiction over education and financial contribution to school boards' budgets	Participation in administration of education
	Provision and funding of all health services	Participation in administration of health services
	Jurisdiction over administration of Justice	Participation in administration of justice
Training of native police	Training of native police	Participation in policing services
Establishment of native economic development, training and employment programs	Establishment of native economic development, training and employment programs	Establishment of native economic development, training and employment programs
	Control over future development	Control over future development
	Provision of an income security program for Cree hunters, trappers and fishermen and a program to guarantee produce to disadvantaged Inuit	Participation in administration of social programs to support traditional way of life

MAJOR ELEMENTS OF THE JAMES BAY AGREEMENT

1. Eligibility (Section 3)

Crees (approximately 6,500): Indians registered under the Indian Act; persons of Cree ancestry ordinarily resident in the Territory; persons of Indian ancestry accepted by the communities; children of all of the above, adopted, legitimate or illegitimate.

Inuit (approximately 4,200): Inuit born in Quebec; Inuit ordinarily resident in the Territory; persons of Inuit ancestry accepted by the communities; children of all of the above, adopted, legitimate or illegitimate.

2. Enrollment

Initial enrollment by local enrollment committees under an enrollment commission representing each of the Grand Council of Crees of Quebec, the Northern Quebec Inuit Association, the Province of Quebec and the Government of Canada.

- . Ongoing enrollment by the Secretary-General of the Quebec Population Register
- . Right of appeal, with right of intervention by the Minister of the Federal Department of Indian and Northern Affairs
- . Federal Indian Registrar to maintain registration of Cree Indians for purposes of the tax exemption provisions of the Indian Act.

3. Compensation (Section 25)

- . \$225 million: \$75 million to be paid over 10 years beginning March 31, 1976.
Canada to pay \$32.75 million of this, Quebec \$42.25 million.
 - : \$75 million to be paid by Quebec as Hydro-Québec royalties beginning one year after first turbine-generator is in commercial operation, and until 1997.
 - : \$75 million to be paid by Quebec in the form of Provincial debentures over five years beginning in 1975.

4. Taxation (Section 25)

- . Principal payments to Crees and Inuit exempted from Federal and Provincial taxation, but revenues from them subject to general tax legislation

5. Legal Entities (Sections 26 and 27)

- . Cree and Inuit corporations (to be incorporated by Quebec) to receive and administer compensation. Canada and Quebec to have minority positions on the boards of directors for eight years for Inuit, ten years for Crees.
- . Administration of compensation to be subject to a 20-year period of control on investments and expenditures, including a 25 per cent limit on investments in native business ventures, education, community and charitable purposes, with the remainder to be placed in specified types of investments. No per capita distribution to be permitted.

6. Land Regime, Crees (Section 5)

- . Category 1a lands: Crees to receive 1,274 square miles. Administration, management and control to be under Canada's jurisdiction, with bare title being retained by Quebec.
- . Category 1b lands: Crees to receive 821 square miles. These lands are to be owned outright by the Cree Community Corporations under Provincial jurisdiction. They can be sold only to Quebec.

Category 1 lands (a and b) total 2,095 square miles. Quebec will maintain mineral rights in this area, while the Crees will have exclusive use of forest resources. These lands are subject to public servitudes with compensation in land or money.

- . Category 11 lands: Crees to have exclusive hunting, fishing and trapping rights over 25,130 square miles. Quebec will retain title to and jurisdiction over these lands. They will be subject to public servitudes without indemnity and may be taken for development, subject to compensation or replacement.

7. Land Regime, Inuit (Section 7)

- . Category 1 lands: Inuit to receive 3,250 square miles. Title is to be vested outright in Inuit Community Corporations. They may be sold only to Quebec, and Quebec will retain mineral rights over them. They are subject to public servitudes with compensation in land or money.
- . Category 11 lands: Inuit to have exclusive hunting, fishing and trapping rights over 33,400 square miles. Quebec will retain title to and jurisdiction over these lands. They may be taken for development, subject to compensation in land or money.

8. Local Government, Crees (Sections 9, 10 and 11)

- . On the Cree Category 1a lands, the Federal Department of Indian and Northern Affairs will be negotiating the terms and conditions of local government, and will be preparing legislation specifically for this purpose. This legislation will provide for such items as incorporation for local government purposes; increased powers for Band Councils, including those described in Section 28 (2) and all or most of Section 73 of the Indian Act; all other powers as may be incidental to the effective exercise of local government.
- . Each local government authority shall be deemed to be a public corporation under Quebec law for the purpose of ownership, management and administration of Category 1b lands. Each corporation will have the powers of a municipality under the Quebec Cities and Towns Act.
- . There will be a Cree Regional Authority, composed of all corporations with jurisdiction of Cree Category 1b lands. This Authority will be a corporation with full powers within the meaning of the Quebec Civil Code, and may co-ordinate and administer all programs on Category 1 lands if the Bands so delegate.
- . There will be a Cree Zone Council composed equally of representatives appointed by the Regional Authority and the James Bay Municipality. It will exercise the powers of the James Bay Municipality over all Cree Category 11 lands within the area covered by Bill - 50.

9. Local Government, Inuit (Sections 12 and 13)

- . Local and regional municipal governments will be established under Provincial jurisdiction and by special acts for the area north of the 55th parallel. They will not be ethnic in character. Each will have powers at least equal to those of non-chartered municipalities in Quebec.
- . The Department of Indian and Northern Affairs will continue to bear responsibility for some program costs at existing or lower levels.

10. Environment and Future Development, Crees (Section 22)

A James Bay Advisory Committee on the environment will be established which will advise on the need for new and revised legislation and other protective measures. It will consist of four Federal Government representatives, four Quebec representatives, four representatives from the Grand Council of the Crees, and the chairman of the Hunting, Fishing and Trapping Co-ordinating Committee.

In addition, the Environmental and Social Impact Review Committee (Provincial) and the Environmental and Social Impact Panel (Federal) will carry out impact assessments on all capital projects in the Territory.

11. Environment and Future Development, North of 55' (Section 23)

An Environmental Quality Commission (EQC), to be composed of four Regional Government representatives (at least two of whom will be Inuit) and four Quebec representatives with an alternating chairman, will provide impact assessment for all projects proposed by Quebec in the area.

An Environmental and Social Impact Review Panel, to be composed of two Inuit and three Federal representatives, will provide impact assessments for all development projects sponsored by Canada in the area.

An Environmental Advisory Committee, to be composed of three Regional Government representatives, three Federal representatives and three Quebec representatives, will be a consultative body for all environmental matters affecting the Territory.

12. Hunting, Fishing and Trapping (Section 24)

Native people will have exclusive hunting, fishing and trapping rights on Category I and II lands. On Category III lands, native people will not be subject to closed seasons and will have exclusive rights to certain species except for migratory birds and marine mammals, but non-natives may hunt, fish or trap all other species subject to closed seasons.

Native people will have the exclusive right to own outfitting operations on Category I and II lands, and will have the right of first refusal on Category III lands for 30 years.

A Hunting, Fishing and Trapping Co-ordinating Committee, to be composed of six native and six Government members, will advise both levels of Government on the legislation and its administration, and will oversee research done on native harvesting during the 1973-79 period.

13. Health Services, Crees (Section 14)

A Cree Regional Board, to be established under Quebec jurisdiction, will administer health and related social services on Category I and II lands.

The Department of National Health and Welfare will transfer its facilities to the Board during a transitional period ending in 1981.

14. Health Services, Inuit (Section 15)

A council composed of representatives of the regional governments in the area north of 55° will serve as the Kativik Health and Social Services Council. This Council will be under Provincial jurisdiction to provide health and related social services north of 55°.

The Department of National Health and Welfare will transfer its facilities to the Council during a transitional period ending in 1981.

15. Education, Crees (Section 16)

A Cree School Board, representing the eight Cree communities in the Territory and the Grand Council of the Crees will be established for Category I areas and for Crees in Category II areas.

School Board to be subject to the Quebec Education Act.

Cree and English or French to be the languages of instruction.

Canada and Quebec to transfer education facilities to the Board over a three-year transition period. Staff to be transferred during 1978-79. Canada and Quebec to pay operating and capital costs in a 75-25 ratio.

16. Education, Inuit (Section 17)

A Kativik School Board, representing each municipality and the regional government in the area north of 55°, will be established for that area. To be subject to the Quebec Education Act.

Inuttituuq and English or French to be the languages of instruction.

Canada to transfer education facilities to the Board over a three-year transition period. Staff to be transferred during 1978-79. Canada and Quebec to pay operating and capital costs in a 25-75 ratio.

17. Administration of Justice, Crees (Section 18)

Special provisions for the administration of justice provide that:

- courts and tribunals may sit in Cree communities;
- the Judicial District of Abitibi be expanded and modified;
- the rules of procedure established by the Justices of the District are to be set in consultation with the Crees;
- there be written and oral translation of all proceedings into Cree on request;
- training programs for court functions be established;
- places of detention be established north of the 49th parallel.

18. Administration of Justice, Inuit (Section 20)

Special provisions for the administration of justice provide that:

- courts and tribunals may sit in Inuit communities;
- a circuit court be established;
- Judicial District of Abitibi be expanded and modified;
- rules of procedure established by the Justices of the area take into account Inuit customs and lifestyles;
- there be written and oral translation of all proceedings into Inuttituu on request;
- training programs for court functions be established;
- places of detention be established north of the 49th parallel.

19. Police, Crees (Section 19)

- Cree units of the Quebec Police Force to be composed of special constables, to be established;
- Cree communities may also establish and operate their own police forces;
- Canada and Quebec to enter into a cost-sharing agreement to provide for the direct costs of policing services provided by the Cree special constables.

20. Police, Inuit (Section 21)

- Kativik Regional Government authorized to establish and maintain a police force within its area or jurisdiction;
- Constables to be hired and placed in Inuit communities on a 1 to 500 population basis. Inuit not normally qualifying may be appointed as special constables.

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21. Economic and Social Development, Crees (Section 28)

- A James Bay Native Development Corporation to be established with Quebec funding to promote native business ventures. Trapping, tourism and crafts to be encouraged.
- A Federal-Provincial-Cree Economic and Community Development Committee to be established with assessment and advisory roles vis à vis the Corporation.

22. Income Security for Cree Hunters and Trappers (Section 30)

Province and Crees to establish a Hunters and Trappers Income Security Board to administer an income security program. Benefits to be limited to families engaged primarily in hunting, fishing or trapping: \$1000 per annum for the head of the family; \$1000 for the spouse; \$400 for each dependant; \$10 per day per adult while fishing, trapping or hunting to an annual maximum of \$2400.

23. Economic and Social Development, Inuit (Section 29)

- Quebec to pay \$9000 to Inuit hunters to provide food for the aged and handicapped.
- There to be one hunter per community plus one per cent of the total population.
- Quebec to provide hunting, fishing and trapping equipment.
- There to be two Federal-Provincial-Inuit Committees on Economic and Social Development and Manpower and Training.

Date Due

RETURN MAR 25 '97

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proclaimed, Faulkner
announces.

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